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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Sunny K. Yee

Confirmation No.: 6488

Application No.: 10/676,328

Examiner: Jean Gilles, Jude

Filing Date: October 1, 2003

Group Art Unit: 2143

Title: Method and Apparatus for Supporting Preprocessing in a Web Presentation Architecture

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on June 13, 2008.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

No fee is required for filing of this Reply Brief.

If any fees are required please charge Deposit Account 08-2025.

Respectfully submitted,

Sunny K. Yee

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Date : August 13, 2008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Sunny K. Yee	§	Group Art Unit: 2143
	§	
Serial No.: 10/676,328	§	Confirmation No.: 6488
	§	
Filed: October 1, 2003	§	Examiner: Jean Gilles, Jude
	§	
Method and Apparatus for Supporting	§	Atty. Docket: 200207078-1
Preprocessing in a Web Presentation	§	NUHP:0118/SWA
Architecture	§	

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CERTIFICATE OF TRANSMISSION OR MAILING 37 C.F.R. 1.8	
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August 13, 2008	/Tait R. Swanson/
Date	Tait R. Swanson Reg. No. 48,226

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

Appellant submits this Reply Brief in response to the Examiner's Answer mailed on June 13, 2008, pursuant to 37 C.F.R. § 41.41. Specifically, this Reply Brief addresses the Examiner's response to argument section, which begins on page 10 of the Examiner's Answer. Appellant respectfully requests that the Board consider Appellant's complete arguments set forth in the previously filed Appeal Brief along with the following remarks.

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). However, it is not enough to show that all the elements exist in the prior art since a claimed invention composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). It is important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* Specifically, there must be some articulated reasoning with a rational underpinning to support a conclusion of obviousness; a conclusory statement will not suffice. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Indeed, the factual inquiry determining whether to combine references must be thorough and searching, and it must be based on *objective evidence of record*. *In re Lee*, 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002).

Deficiencies of the Rejection

After careful review of the Examiner's Answer, and particularly the response to argument section beginning on page 10, Appellant maintains that the Examiner's rejections are generally deficient because the cited references, taken alone or in combination, do not anticipate all elements of claims 1-23. In particular, Appellant would like specifically address the Examiner's response to the arguments on the following claims:

Issue 1) Independent claim 1 recites features missing from the Hanzek and Klevenz references, taken alone or in combination with one another

In the response to Appellant's arguments, the Examiner stated:

Issue 1 response: It is the position of the Examiner that Hanzek taken alone or in combination with Klevenz teaches the limitations of independent claim 1 as specified in the rejection of claim 1 above. Alone as disclosed in fig. 9, Hanzek discloses *the Dispatcher 906 is the controller adapted to accept incoming request data during a session from the Preprocessor (Parser 904) using a*

portal such as 318 (Hanzek; column 14, lines 57-67, continue in the next column, lines 1-2; column 8, lines 43-57). In addition, Klevenz teaches a preprocessor (see fig. 7, item 740), that is associated with a portal (see portal component 730) to the request (710) such that the controller (760) invokes the preprocessor before processing the request for data. Proper motivation and reason to combine is provided in the rejection of claim 1 above. By this rationale, claim 1, and its dependencies are rejected under 35 U.S.C. 103(a) as being obvious over Hanzek and Klevenz.

Examiner's Answer, pages 11-12. (Emphasis in original).

As a preliminary matter, Appellant notes that the Examiner's description of "the controller adapted to accept incoming request data during a session from the Preprocessor" appears nowhere in independent claim 1. Further, based on the Examiner's new characterization of Hanzek described above, Hanzek still fails to teach or suggest "a controller that is adapted to receive a request for data from a user" as recited by claim 1. The Examiner cited the "dispatcher 906" of Hanzek as anticipating the controller recited in claim 1. Contrary to the Examiner's characterization, the dispatcher 906 of Hanzek receives "incoming parameters" from the "parser 904," and not a "request for data from a user." Hanzek, col. 14, lines 57-59. The parser 904 receives messages from the listener 902 and "reads the request messages and parses out specific portions thereof, which are passed as parameters to the underlying search processes via a dispatcher 906." *Id.* at col. 14, lines 42-45. The listener 902 that sends messages to the parser 904 "accepts XML messages sent from requesting presentation applications." *Id.* at col. 14, lines 32-25. Thus, as described above, the dispatcher 906 does not receive requests from a user but receives "parameters" from the parser 904. Further, the parser 904 receives "XML messages" from the listener 902, not requests for data from a user. Accordingly, Hanzek does not teach or suggest "a controller that is adapted to receive a request from a user," as recited by the present independent claim 1, but instead discloses a controller that receives request from a parser (e.g., the parser 904).

Additionally, Appellant maintains that the cited references, taken alone or in combination, fail to teach or suggest "a preprocessor that is adapted to search for a preprocessor action associated with a portal registered to the request, wherein the controller invokes the

preprocessor before processing the request for data.” In the Examiner’s Response, the Examiner states that “[i]n addition, Klevenz teaches a preprocessor (see fig. 7, item 740), that is associated with a portal (see portal component 730) to the request (710) such that the controller (760) invokes the preprocessor before processing the request for data.” Examiner’s Answer, pages 10-11. Appellant maintains that this is a mischaracterization of Klevenz. As previously stated, the page processor 740 of Klevenz is not invoked by the controller 760. Instead, the page processor 740 is invoked by the request 710. Klevenz, [0104]. In some instances, the page processor 740 calls a generic event handler that “dispatches the event to the dynamic page controller 760” and the dynamic page controller 760 dispatches the event to controls 790. *Id.*, [105]. Thus, in contrast to the Examiner’s assertion, the controller 760 does not invoke the page processor 740. Indeed, in some instances the page controller 760, i.e., the preprocessor as asserted by the Examiner, dispatches an event to the dynamic page controller 760, in complete contrast to the claim feature of independent claim 1 recited above. Accordingly, neither Hanzek nor Klevenz teaches or suggests that “the controller invokes the preprocessor before processing the request for data,” as recited by the present independent claim 1.

Further, Appellant maintains the cited references do not teach or suggest a “preprocessor that is adapted to search for a preprocessor action associated with a portal.” Neither the Final Office Action nor the Examiner’s Answer addressed this deficiency of the cited references and the combination. Appellant again notes that neither Hanzek nor Klevenz teach or suggest this claim feature anywhere in the references.

In view of these deficiencies among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claim 1 and its dependent claims.

Issue 2) Independent claim 9 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another

In the response to Appellant’s arguments, the Examiner stated:

*Similar to appellant’s argument that as related to claim 1,
the Examiner disagrees with this characterization of the teaching of*

the prior art of record. Klevenz teaches a model view controller that is capable of creating a processor-based device as expressed in the disclosure of figs 1, and 7. Clearly, the request (710) is received from the user via the user interface device 122, with controller 760 through a processor 740. See the rejection of claim 9 and 8 above. Further the same reasoning used above in response 1 is also valid for this claim regarding the combination of Hanzek and Klevenz.

Examiner's Answer, pages 11-12. (Emphasis in original).

As cited above, the Examiner states that Klevenz teaches “a model-view controller that is capable of creating a processor based device.” This claim feature is not recited by claim 9. In contrast, claim 9 recites, *inter alia*, “creating, with a processor-based device, a model-view-controller architecture.” Independent claim 9 does not recite a model-view controller that creates a processor-based device. Thus, even if Klevenz discloses a “model-view controller that is capable of creating a processor based device,” this does not teach or suggest any claim features of claim 9.

Further, Appellant asserts the Examiner has not provided any portions of Hanzek or Klevenz that teach or suggest a “preprocessor manager that executes a desired action to produce information accessible by the controller for a desired time of incoming user requests.” As previously stated, Klevenz includes dispatching an event between the page processor 740 and the dynamic page controller 760. However, Klevenz does not disclose any period of time for which any information may be made available. Klevenz only notes that “scalability of the server” disclosed therein has no “obsolete session time out.” Klevenz, [0028]. This brief acknowledgement of a session time out does not in any way teach or suggest a “preprocessor manager that executes a desired action to produce information accessible by the controller for a desired time of incoming user requests” as recited by claim 9.

In view of these deficiencies among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claim 9 and its dependent claims.

Issue 3) Independent claim 14 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another

In responding to the Appellant's arguments for the allowability of independent claim 14, the Examiner referred to the responses cited above in Issues 1 and 2. In response, Appellant refers to the arguments stated above. In particular, Hanzek and Klevenz do not teach or suggest a controller or "a means for creating controller being adapted to receive a request for data from a user," nor do they teach or suggest preprocessing or "means for preprocessing an action to produce session-scoped information accessible by the controller, wherein preprocessing the action is performed prior to the controller processing the request to obtain the requested data." As stated above, in contrast to independent claim 9, Hanzek discloses a dispatcher 906 that does not receive requests from a user but receives "parameters" from the parser 904. Hanzek, col. 14, lines 57-59. Further, as previously stated, the page processor 740 of Klevenz is not invoked by the controller 760, but instead the page processor 740 is invoked by the request 710. Klevenz, [0104]

In view of these deficiencies among others, the cited references, taken alone or in hypothetical combination, cannot render obvious the present independent claim 14.

Issue 4) Independent claim 14 recites features missing from the Hanzek and Klevenz references, taken alone or in hypothetical combination with one another

In Issue 4, Appellant believes that the Examiner is responding to Appellant's "Improper Combination – Lack of Objective Evidence of Reasons to Modify/Combine" argument in the Appeal Brief, as Issue 3 deals with the deficiency of the cited references with regard to independent claim 14. Accordingly, Appellant will treat Issue 4 as "Improper Combination – Lack of Objective Evidence of Reasons to Modify/Combine."

In responding to the Appellant's arguments, the Examiner stated:

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F. ed 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, there is clear teaching of the advantages of using a preprocessor action associated with a portal registered to the request, wherein the controller invokes the preprocessor before processing the request for data” as suggested by Klevenz to facilitate web query processing of the system of Hanzek (see motivation and reason to combine used for the rejection of claim 1 above.

Examiner’s Answer, page 14.

As discussed above, Klevenz does not disclose, “a preprocessor” as recited by independent claims 1, 9, 14, and 18. Because Klevenz does not disclose “a preprocessor,” it is incapable of disclosing any teaching or suggestion to use a preprocessor to facilitate web query processing, as asserted by the Examiner. In the absence of such a teaching or suggestion, Appellant asserts there is no “objective evidence” supporting the combination.

Further, in the original rejection of claim 1, the Examiner stated that the obviousness of the combination is supported by Klevenz for the purpose of “allowing the controls from the controller to be centrally rendered, which provides for consistent rendering of the controls, thereby providing support messaging between controls, through requests.” Final Office Action, page 4; Klevenz, [0028]. Applicants note that Klevenz is directed to “techniques for managing a user interface,” of which the “consistent rendering of the controls” of the user interface is one purpose of Klevenz. Klevenz, Abstract. In contrast, however, this reason for the combination is not supported by Hanzek. The system and techniques disclosed in Hanzek are primary concerned with “the availability of status and tracking information, prior to the placement of an order by the consumer.” Hanzek, col. 2, lines 45-49. Appellant asserts that the centralized and consistent rendering of controls as disclosed in Klevenz does not address the disadvantages disclosed in Hanzek, thus there is no “reasoning with a rational underpinning” to support the combination. See *In re Kahn*, 441 F.3d 977, 988. The centralized and consistent rendering of controls does not in any way provide “the availability of status and tracking information” that is the purpose of the invention disclosed in Hanzek. Hanzek, col. 2, lines 45-49. Thus, Appellant asserts that there is no rational reason to

combine Hanzek with Klevenz, as doing so would not address the disadvantages of the prior art systems disclosed in each reference.

For these reasons, among others, Appellant respectfully requests withdrawal of the foregoing combination and the corresponding rejections under 35 U.S.C. § 103.

Conclusion

The foregoing are reiterative or supplemental points regarding the reasons why the pending claims are allowable. Appellant relies upon all of the reasons advanced in the Appeal Brief, and respectfully request that the Board carefully review the claims in view of these arguments and overturn the Examiner's rejection.

Respectfully submitted,

Date: August 13, 2008

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